6237

P.

Previous references

1906-7

(P. L. A.)

File No. 127

Serial Nos. 5, 6, 33, 33½

Later references.

Filed Nov 08 SS 334. Sch. 9-08
B. Mandvi 25 738 " "
Also Feb 1910. SS 12874. Sch. 141-09
SOA 62-1485 14 and 15. B. Jan 16.
SOA 114-34 (16(a), 15, 16)
222-35 (1-2)

(19)

GENERAL AND REVENUE SECRETARIAT.

Def 238/35

Serial Nos. 5, 6, 33, 33½.

Part B. for August 1908

SUBJECT.

Petition from Mahomed Gahib Khan, son of Mahomed Budan Khan, Jagirdar of Sangapur, praying for the transfer of his stipend to his brother's son Abdul Hamid Kh.

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5) Petition from Mahomed Gahib Khan & 2 Sons states that the monthly stipend of Rs 5-13- he is in receipt of may be transferred to and registered in the name of his brother's son Abdul Hamid Khan.

6) To the Dept. Comm. Bangalore No. 12 4348 S. 12-06
Forwarding the above for
From the Dc. Bangalore No. 5793 S 16
Submits the report called for
To the Dc. Bangalore Compl. No. 12. 1093-4 S 24/08
Sanctions the whole of the pension of Rs 5-13- to his brother's son Abdul Hamid Khan

G. R. S. 58

33)

33½)

Richard Hamilton from the desk of the Deputy Y-
[illegible] comm.

G. R. S. 11] 1906-7

GENERAL AND REVENUE SECRETARIAT

(S & A)

NOTES.

File. No 127

FILE HEADING.

Sarjapur Jaghir pension

From

Mahomed Galib Khan Son of Mahomed Bundan Khan, Jaghirdar of Sarjapur

No. Petition Dated 29.10.06 Received 6.11.06

Diary No. 1777 | Enclos. - | Spare Copies. - | Serial No. 5

BRIEF ABSTRACT OF LETTER.

States that he is in receipt of a stipend of Rs 5-13-1 per mensem and prays that his stipend may be transferred to his brother's son Abdul Hamed Khan and registered in his name.

NOTES AND ORDERS.

The petitioner states that he is a bachelor, that he was till now under the protection of his brother, Ghouse Khan that his brother died three months ago and that he is now under the protection of his brother's son,

NOTES—First sheet.

MGCPB—30,000—17-2-05.

Serial No.

Abdul Hamed Khan.

He prays that his stipend may be transferred to Abdul Hamed Khan and registered in his name.

Flag O. That Galib Khan was in receipt of a stipend of Rs 5-13-1 is shown by statement passed ~~may this be~~ forwarded to the D. C. Bangal for report?

Draft submitted for approval or other orders

RSn.
16/11

Submitted.

On the death of Mahomed Bundan Khan, one of the Sarjapur Jaghir Stipendiaries, his pension of Rs 17-7-3 was, owing to some disputes in the family, divided between his widow Jaleka Bi and eldest son Ahamed Khan, the former receiving Rs 13-1-6 for herself and two other sons and the latter Rs 4-5-9.

On the death of Jaleka Bi in April 1872 the Deputy Commissioner, Bangalore District, recommended that the aggregate allowance of Rs 17-7-3 might be equally divided among the three sons of Mahomed Bundan Khan, the claims of females being rejected, and this proposal was sanctioned by the Supt. of Inam Settlements.

Each of the three brothers, Ahamed Khan, Galeb Khan, and Gowse Khan, draws Rs Rs 5-13-1 per mensem.

NOTE—Contn. sheet

GPB—50,000—23 10-05

Serial No.

The stipend orders issued to Galib Khan and other stipendiaries show that the pension is hereditary.

Subs. for orders B.Sn. 27/11 to attempts be fine prudent of such transfers are being made.

Release the draft.

The petition may as proposed be sent to the D.C. Commr for report and in the meantime precedent, if any, for permitting such transfers may be traced out. Issue draft.

30-11-06

6 To the Deputy Commr: Bangalore Distt.
No: Fl: 4348 of 7.12.06.
Forward the above petition for enquiry and report.

33 From the Deputy Commr: Bangalore Distt.
No: 593 of 26-5-08.
Recommends that the ~~stipend~~ of Rs. 5-13-1 may be transferred to his brother's son Abdul Hameed Khan.

The following genealogical tree shows the relationship of the several claimants to the stipendiary

NOTE—Contn. sheet

GPB—50,000—23 10-05

G.R.S. 12J

General and Revenue Secretariat.

Sta File No. 127 of 1906

Serial No.

allowance which Mahomed Ghalab Khan was in enjoyment of :-

1st Pensioner
Mahomed Budan Khan
Rs: 17-7-3
died

Son Ahmed Khan
Rs: 5-13-1
died

Son Budan Khan
Rs: 5-13-1
died

wife Nasiba Khatoon
Rs: 5-13-1
died

Son Abdul Habib Khan

Pension of Rs: 5-13-1 has been recently sanctd. to him on the death of his mother Nasiba Khatoon and he claims a share in the stipend of 2nd Ghalab Khan, brother to Grandfather Ahmed Khan.

2nd Son Md Ghalab Khan
Rs: 5-13-1
died
no heirs.

Son Ghouse Khan
Rs. 5-13-1
died

2nd widow Hanifa Bi

Son Abdul Hamid Khan (by 1st wife Kabir Bi who was divorced by Ghouse Khan during his lifetime)

Claims the entire allowance of Rs: 5-13-1 drawn by Ghalab Khan who has executed a will in his favor.

(As regards the claims of E to Ghouse Khan's pension, please see the linked file)

Daughter Zulaikha Khatoon (By 1st wife Kabir Bi)

Claims a share in the allowance of her deceased father Ghouse Khan

Daughter Fatthuma Khatoon

Daughter Kulsum Khatoon

Daughter Mahboob Khatoon

Son Mr: B. Mohadeen Shariff, by: Amildar, Gospet,

claims a share in the allowance of Ghalab Khan

Daughter Mohodin Khatoon

Daughter Basari Khatoon

Daughter Husain Khatoon

From the above it will be seen that the claimants to the allowance of deceased Mohamed Ghalab Khan are D, E and G.

It is reported that Mohamed Ghalab Khan being a bachelor executed a will on the 9th September 1906, got it registered and bequeathed all his property, including the Jageer allowance drawn by him, to his brother's son Abdul Hamid Khan

N

O

NOTE—Contn. sheet

GPB—50,000—23-10-05

Serial No.

(claimant E), in whose protection he was living and whom he was treating as his own son, and that he died at Closepet on the 23rd December 1906, before his deposition could be taken in the matter. Chik Basappah, Mahomed Budrodeen, and 9 others have stated in the Mahazar presented by them that Abdul Hamid Khan (claimant E) is ~~xx~~ the proper heir of the deceased Mohamed Ghalab Khan and none others.

Counter claimant Abdul Habib Khan (claimant D) claims half a share in the stipend of the deceased, but Abdul Hamid Khan (claimant E), in whose favor the stipend has been willed away, contends that, as Abdul Habib Khan's father Budan Khan has predeceased Mohamed Ghalab Khan, he (Abdul Habib Khan) has no right to his (Mohamed Ghalab Khan's) stipend, under the Mahomedan Law.

NOTE—Contn. sheet

GPB—50,000—23-10-05

Serial No.

2nd Counter claimant Mr. Mohodin Sheriff, by: Anildar, Closepet, in his petition states that he is the son of one of the daughters of Mohamed Budan Khan, that, the only heirs of his deceased maternal uncle Mohamed Ghalab Khan are brothers and sisters' children and the two surviving sisters, and that such portion of the deceased's stipend may be granted to him as is allowable under the Mahomedan Law.

On the death of Mahomed Budan Khan, the 1st pensioner, his allowance of Rs: 17. 7. 3 was equally divided between his 3 sons (A. B & C) so far back as February 1873 and the claim to the allowance of all the 6 daughters was overlooked. ~~X~~ Of the 6 daughters, which of the 2 are surviving and whether one of them is Mr: Mohodin Sheriff's mother, is not ascertainable from the records, but it may be presumed from his petition that she is dead. Even supposing she is alive, the question

NOTE—Contn sheet.

GPB—50 000—17-3-07

Serial No.

for consideration is whether Mr. Mohodeen Sheriff's claim to a portion of the allowance of the deceased is admissible during the lifetime of his mother who has been ~~deprived of her share~~ left out of consideration so far back as 1873; besides it is urged that heirs in the female line have no claim to the allowance while there are heirs in the male line.

In the above circumstances the Deputy Commissioner and the Amildar, Anekal Taluk, who held the enquiry, state that Abdul Hamid Khan (claimant E) seems to be entitled to succeed to the Jageer allowance of Rs. 5-13-1 drawn by the deceased Mohamed Ghalab Khan.

Submitted for orders.

M Mark
16/6

In two recent instances, we recognised the claims of the female members of the family for a share. The heirs of the deceased in this case are male and female in this ca

NOTE—Contn sheet.

GPB—50 000—17-3-07

Serial No.

are :-

i the 2 sisters who are said to be alive

ii a brother's son - m² Hamid Ibrahim

iii a brother's grandson - Habib Ibrahim

iv a Sister Son - m² Mohidin

v a brother's daughter - Zulaikha bi, Sister's son iii

nos iv & v are distant. Minors of the 3rd Degree and have no claim while sharers and residuaries are living.

Pages 47 and 48

no iii is a remoter heir than no ii and is excluded by him.

Page 36 A

nos. i and ii are therefore the only persons entitled to divide the property

56A + 30 A.

no i [redacted] (sisters) are sharers and are entitled to $\frac{2}{3}$ share and no ii (brother's son) is a residuary and entitled to the residue - $\frac{1}{3}$

30 A

36 A

The amount of pension is Rs 5-13-

Each of the sisters therefore gets 1-15-0 $\frac{1}{3}$

and the brother's son ..... 1-15-0 $\frac{1}{3}$

Another point that has to be considered in this case is whether Govt can give effect to the will, alleged to have been made by the Deceased, in respect of his pension. The [redacted] testator is [redacted]

NOTE—Contn sheet.

G. R. S. 12]
General and Revenue Secretariat.

SM File No. 127 of 1906

Serial No.

Paper under Bis/Local

alleges to have bequeathed his pension to his nephew Hamid Khan, even as he desires it to be transferred to the latter while living. If Govt. will respect his wishes, Hamid Khan will get the whole pension. So far no sister has put in any claim and if they are also to get a shares, their names and other particulars have to be ascertained as the present papers do not contain the information

WR 18/6.

Please put up with Mulla's Principles of Law relating to Law of Succession

18/6

Subject matter

To Branch iii for favour of Opinion on the legal aspects of the case -

WR 7.7.5

J. Mis 3

Legis 8/7

Perhaps the Govt. Advocate may be consulted unofficially in the matter. Put for orders with a Copy of Mulla's Principles of Muhammedan Law

WR 11/7/08 SN 11.7.08

Forwarded unofficially to the Govt. Advocate for favour of opinion

B. O

A. Rajagopalachery for Secy. to Govt.

G.O. 28 13.7.08

NOTE—Contn. sheet.

GPB—50,000—17-3-07

G. R. S. 12]
General and Revenue Secretariat.

File No. 127 of 1906

Serial No.

W.O. 7

When the first pensioner Mahomed Budan Khan died, the Government did not recognize the right of the female heirs under the Mahomedan Law and divided the pension among his three sons only. Now one of these three sons, Mahomed Gulabkhan, died issueless, leaving behind him two sisters (who were excluded once as daughters of the said Mahomed Budan Khan), a brother's son, a brother's grand-son by a pre-deceased brother's son, and a sister's son. Of these the two sisters are entitled according to Mahomedan Law to 2/3 and the brother's son to the remaining 1/3 of the pension held by the deceased Mahomed Gulabkhan. The other heirs are excluded by the brother's son as being more remotely related to the deceased than himself. If the policy of excluding female heirs be still adhered to, the brother's son Abdul Hamid Khan will be entitled to the whole pension.

S. Narayana Rao
18. 7. 08. Govt Advocate.

I have nothing to add to the above opinion

Submitted

Note—Contn sheet.

GPB—50,000—17-3-07

G. R. S. 12]
General and Revenue Secretariat.

SJA File No. 127 of 1907

Serial No.

The division may be made in accordance with Mahomedan Law, as stated in the Govt Advocate's note -

Dewan

24.7.08

24.7.08

There is no division in the case of the Sisters who were the daughters originally included + two who are still to be kept out. The pension may go to the brothers son

18/8/1908

Draft submitted

22-8-08

24

Draft

To the Dycan, Bangalore

Comptroller

no. JE 1093-4 dt 27-8-08

Sanctions the whole grant pension of Rs 5-13-1 drawn by Md Galeb Khan who is brothers son Abdul Hamid Khan from date of the death of the former

NOTE—Contn sheet.

GPB—50 000—17-3-07

COURT FEE — GOVERNMENT OF MYSORE — TWO RUPEES

1781

27-10-1906

2

1777

12-10-06

29-10-1906

1777

13-12

GOVERNMENT OF H. H. THE MAHARAJA OF MYSORE.

General and Revenue Secretariat.

(S&A)

Office Memorandum.

No. H 4348 / S&A127-06-6 Dated Bangalore, the 7 Dec 1906

* Subject.	The accompanying Petition* Registered
praying that his stipend of Rs 5-13-1 per mensem be transferred to his brother's son Abdul Hamed Khan under whose protection he now is	No. H 1777 dated 29th Oct 06 received in this office, from Mahomed Ghalib Khan Son of Mahomed Pondan, Jaghirdar of Sarjapur.
is forwarded to the Deputy Commissioner, Bangalore district, for report.	

By Order,

For SECRETARY. 30/11/6

GPB—1,000—23-11-05.

Copy to P/S/12

P&Sn
16/11/06

II 924/1 Pol 1

1907. 8 4630

From

The Dy. Commissioner
Bangalore District.

To

The Secy. to the Govt. of Mysore
Gen. & Rev. Depts.

Dated 26.

Despatched 28 May 1908.

Received SDA 127-07 D. No. 33

General No.
5 No. 593

Enclosure No. 1 file.

His No. 4348 of 7.12.06
SDA 127.06.6

—

Reports with records on the petition of Mahomed Gaib Khan praying that his stipend may be transferred to his brother's son Abdul Hamed Khan.

Office of the Dy.Commissioner, Bangalore District.

S.No.P.173 Dated Bangalore, 20th May 1908.

From

P. C. Kumaraswamy Naik Esquire B.A.,

Deputy Commissioner, Bangalore District.

To

C.S.Balasubhran Iyer Esquire B.A.,

Offg:Secy.to the Govt.of H.H.the Maharaja of Mysore,

General and Revenue Departments.

Sir,

With reference to your Official memorandum No.Fl. 4348/ S & A 127-08-8 dated the 7th September 1908, forwarding for report, petition from Mahomed Calib Khan, praying that his stipend may be transferred to his brother's son Abdul Hamed Khan, I have the honor to forward herewith a file of vernacular correspondence ending with the Bangalore Sub-Division Officer's Yadi No.381 dated the 28th April 1908 and to state as follows :-

1. It would appear from the records that the petitioner Mahomed Calib Khan having no issue, executed a will on 8th September 1906 and got it registered, by which he left all his property including the Jahagir Pension drawn by him to his brother's son Abdul Hamid Khan. (Vide copy of the will enclosed in the record.) Subsequent to his petition to Government praying for the transfer of the Pension to Abdul Hamid Khan, he died at Closepet on 20rd December 1906 before his deposition could be taken in the matter.

2. One Abdul Habib Khan, grandson of Ahmad Khan, brother of the deceased Mahomed Calib Khan (Petitioner) and Mr.Mohadin Sheriff, Amildar of Chickmagalur, who is the son of Calib Khan's sister claim a share in the Jahagir Pension drawn by the deceased. Abdul Hamid Khan has urged that Abdul Habib Khan's father Nuran Khan having predeceased Calib Khan, the former (Abdul Habib Khan) has no right to the latter's pension under the Mahomedan Law. As regards Mr.Mohadin Sheriff's claim, it is urged that it has been decided by Government in many instances that heirs in the female line have no claim to the Jahagir Pension while there are

heirs

heirs in the male line.

2. In the above circumstances, Abdul Hamid Khan seems to be entitled to succeed to the Jahagir Pension of Rs.5-13-1 -- drawn by his deceased uncle Galib Khan.

I have the honor to be,

Sir,

Your most obedient servant,

Deputy Commissioner,

Bangalore District.

B.N.S.

68

33½

G.R.S. 28]

File No. 127-06

Serial No. 84

Diary No. of letter replied to 6830

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.
(S&A)

, the IV 190

Date of issue 27-8-08

Signed by

READ—

Correspondence ending with letter No. 5934 dated 26-5-08 from the Dy. Comr. Bangalore on the subject of the petition for a report on the case of Mahomed Gabib Khan, a member of the Sarjapur Jahagir family, praying for restoration of a pension of Rs 5-13-1 per mensem granted to his father Late Hamid Khan.

ORDER THEREON.—NO.

In his petition dated 29-10-06 the late Mahomed Gabib Khan, son of Mahomed Burhan Khan of the Sarjapur Jahagir family, prayed that his Stipend of Rs 5-13-1 p.m. may

over be

No H6093-4
dt 27-8-08
Paper under disposal

SUBJECT

Copied HH 2/9/08

GPB—10,000—10-4-06

transferred to his ~~brother Ghouse~~
~~Khan's~~ son, Abdul Hamid Khan.
From the report ~~called for from~~ furnished by
the D.C. Baroda Distt, it
~~would~~ appears that the petitioner
~~late~~ Mahomed Wahib Khan
having no issue executed a
will on 9th Sept'r 06 by which
he left all his property including
the Jahagir Pension drawn by
him to his brother's son Abdul
Hamid Khan ~~who died at Cleveland~~
on 23rd Dec'r 06, leaving behind
him two Sisters, a brother's son ~~named~~
Abdul ~~Hamid~~ Khan, a brother's
~~named Abdul Wahib Khan~~
grandson by a predeceased brother's
son & a Sisters son ~~mohidin Sheriff~~. Of these, the
two Sisters ~~& the brother's son are~~,
~~according to Mahomedan Law~~
~~entitled to succeed to the pension~~
~~in question. But the two Sisters~~
were excluded as daughters
of Mahomed Burhan Khan ~~so~~
~~far back as February 1873~~
when his pension was divided

He is reported to have died.

70

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

The other heirs are excluded by the Sharā' for us being more remotely related to the deceased than he himself.

his three sons divided amongst ~~his heirs, the petitioner & his two brothers~~.

In these circumstances ~~the~~ Sanction Govt are pleased to decide ~~that~~ the whole of the pension viz., Rs 5-13-1 drawn by ~~the deceased petitioner~~ Mahomed Salabkhan should go to his brother's son Abdul Hamid Khan, from the date of his death by the former.

24/8/08 Secretary to Govt.

To

The D.C. Bangalore Dist

The Comptroller.

MK 22-8-08